

# **APPENDIX H**

## **Current Protective Zoning By-Law**

### **Section 7 – Site Plan Review**

#### **Section 7.1 – Purpose and Intent**

#### **Section 7.2 Applicability**

#### **Section 7.12 – Site Development Standards; General Requirements**

#### **Section 7.13.3 – Buildings**

#### **7.1 Purposes and Intent**

Developments of non-residential, institutional, mixed use or multi-family uses, together with their associated outdoor areas for vehicular movement and parking, accommodate varying degrees of open and continuous use by the general public. Due to their physical and operational characteristics, these developments may affect neighboring properties and adjacent sidewalks and streets. It is in the Town of Shirley's interest to promote functional and aesthetic design, construction, and maintenance of such developments and to minimize any harmful effects on surrounding areas. The intent of Site Plan Review is to regulate rather than prohibit uses through reasonable conditions that may be required by the Planning Board concerning design and location of buildings, signs, open space, landscaping, parking areas, access and egress, drainage, sewage, water supply and fire safety.

#### **7.2 Applicability.**

Site Plan Review by the Planning Board is required for any of the following:

- 7.2.1 All new construction of commercial, industrial, institutional, municipal or other non-residential uses.
- 7.2.2 All commercial or industrial additions, alterations or reconstruction exceeding 1,000 gross square feet or that would require a total of ten (10) or more parking spaces to serve both existing and new development, or any change of use which would require ten (10) or more additional parking spaces based only on new development.
- 7.2.3 Construction or creation of any new parking lot or the expansion, or redesign of an existing parking lot with ten (10) or more parking spaces, used or to be used for any non-residential purposes.

#### **7.12 Site Development Standards; General Requirements.**

The purpose of site development standards is to ensure that adequate consideration will be given to the natural resources and characteristics of a site, to its topographic, hydrologic and geologic conditions, to public convenience and safety, particularly with regard to abutters, and to the suitability of a proposed use on a site. Before approving any site plan, the Planning Board shall assure that each site plan submitted for review and approval complies in full with the following site design standards:

- 7.12.1 Stormwater runoff. For all sites, the peak rate of stormwater runoff from the development site shall not exceed either the regulations of the Conservation Commission or the rate existing prior to the new construction based on a twenty-five-year design storm, whichever is more restrictive. The applicant shall provide the analysis, certified by a Massachusetts registered professional engineer, necessary to document the previous and proposed runoff rates. The Planning Board may authorize the use of stormwater drainage facilities located off the development site and designed to serve one (1) or more lots, provided that it finds that:
  - a) The peak rate of stormwater runoff from such off-site facilities does not exceed the rate existing prior to the new construction based on a one-hundred-year design storm; and
  - b) The applicant has retained the rights and powers necessary to assure that the off-site stormwater drainage facilities will be properly maintained in good working order.
- 7.12.2 Erosion control. Slopes in excess of ten percent (10%) shall be protected against erosion, runoff, and unstable soil, trees and rocks. Appropriate measures shall be taken to stabilize the land surface from unnecessary disruption. All stabilization measures shall be the responsibility of the property owner.
- 7.12.3 Minimum pavement standards.

- a) All areas designed for vehicular use shall be paved to the standards of section 4.5.6 of the Town of Shirley Subdivision Rules and Regulations with a minimum of either a four inch (4") bituminous asphalt concrete or other approved surface such as a six-inch (6") Portland cement concrete pavement, brick, cobblestone or gravel.
  - b) Pedestrian walkways shall be composed of a raised, color-treated or textured surface clearly distinct from paved areas for vehicular use. The selection of surface treatments for pedestrian walkways shall be approved by the Planning Board in consultation with the Department of Public Works.
  - c) Outdoor lighting. Outdoor lighting, including lighting on the exterior of a building or lighting in parking areas, shall be arranged to minimize glare and to not shine beyond the perimeter of the site.
  - d) Common driveway. Wherever possible, the Planning Board encourages shared driveway access to two (2) or more lots used for business or mixed-use development in any business district. A common driveway may not exceed a width of twenty-four (24) feet at any point where it crosses required open space or any required parking setback area.
- 7.12.4 Placement of buildings and associated improvements. Buildings, structures, fences, lighting, and fixtures on each site shall be placed so as to not interfere with traffic circulation, safety, appropriate use and enjoyment of adjacent properties.
- 7.12.5 Utilities. To the maximum extent practical, as determined by the Planning Board, all utility service transmission systems, including but not limited to water, sewer, natural gas, electrical, telephone and cable, shall be placed underground.
- 7.12.6 Signs. All signs shall comply with the requirements of Section 6 of the Town of Shirley Zoning By-law and with Subsection 7.13.4 of this Bylaw.
- 7.12.7 Landscaping standards. Landscaping of open space shall be designed to enhance the visual impact of the use upon the lot, adjacent property and views from the road. Where appropriate, existing vegetation shall be retained and used to satisfy the landscaping requirements. Open space areas shall be kept free of encroachment by all buildings, structures, storage areas, parking and interior drives. Open space landscaping shall be maintained as open planted areas and used to ensure buffers between properties; minimize the visual effect of the bulk and height of buildings, structures, parking areas, lights or signs; and minimize the impact of the use of the property on land and water resources.
- a) In a business or industrial district where a business or industrial use abuts a residential district, the Planning Board may require a landscape buffer of at least thirty (30) feet in depth.
  - b) All parking lots and loading facilities shall be suitably landscaped to minimize their visual impact on the lot and upon adjacent property by the use of existing vegetation, where appropriate, and by the use of trees, shrubs, walls, fences or other landscape elements.
  - c) Any parking lot containing ten (10) or more parking spaces shall include landscaping which, in the opinion of the Planning Board, is located and designed to enhance the visual appearance of the parking or loading facility, to ensure traffic safety and to minimize the adverse effects of the parking or loading facility on the natural environment. Such landscaped areas shall not be less in area than five percent (5%) of the total area of the parking lot and shall be in addition to any minimum open space required under Section 3 of this Zoning Bylaw. Any landscaping located at the perimeter of a parking lot which, in the opinion of the Planning Board, is deemed to satisfy the above standard shall be counted as open space but may be included as part or all of the required five-percent parking lot landscaping.
- 7.12.8 Bicycle facilities. Any development in a business district shall be required to provide bicycle racks in one or more appropriate locations on the site as approved by the Planning Board.
- 7.12.9 Off-street parking. All off-street parking shall be designed in accordance with Section 5 of this Zoning Bylaw, except as provided below.
- a) Reserve parking spaces. The applicant may request and, where appropriate, the Planning Board may authorize a decrease in the number of off-street parking spaces required in Subsection 5.5, subject to the following conditions:
    - 1) The decrease in the number of parking spaces is no more than thirty percent (30%) of the total number of spaces required under Subsection 5.5. The waived parking spaces shall not be used for building area and shall be labeled as "Reserve Parking" on the site plan.
    - 2) Written approval is given by the Building Inspector, the Police Department and the Department of Public Works.
    - 3) The proposed decrease in the number of required spaces will not create undue congestion, traffic hazards, or a substantial detriment to the neighborhood, and does not derogate from the intent and purpose of this Bylaw.
    - 4) The reserve parking spaces shall be properly designed as an integral part of the overall parking development
    - 5) In no case shall any reserve parking spaces be located within areas counted as buffer, parking setback or open space.
    - 6) If at any time, after one (1) year from the date of issuance of a certificate of occupancy, the Building Inspector and/or Planning Board find that all or any of the increased reserve spaces are

needed, the Planning Board may require that all or any portion of the spaces identified as reserved parking spaces on the site plan be constructed within a reasonable time period as specified by the Planning Board. A written notice of such a decision shall be sent to the applicant within seven (7) days before the matter is next discussed at a Planning Board meeting.

### 7.13.3 Buildings

- a) A lot may have more than one building used principally for commercial purposes, provided that aggregate gross floor area does not exceed the floor area ratio for the district as set forth in Section 3 of this Zoning Bylaw.
- b) Individual establishments within a building shall not exceed 2,500 square feet of gross floor area, or 20% of the gross floor area of the building, whichever is greater, except by approval from the Planning Board.
- c) Buildings shall face the street or may be oriented around a courtyard or respond in design to a prominent feature, such as a corner location. Buildings and site design should provide an inviting entry orientation.
- d) A single building with a width of more than 60 feet facing the street should be divided visually into sub-elements which, where appropriate, express the functional diversity within the building.
- e) All buildings should:
  - 1) Provide continuous visual interest, emphasizing design features such as bay windows, recessed doorways, pilasters, columns, horizontal and vertical offsets, material and color variations, decorative cornices, awnings or canopies.
  - 2) Avoid blank walls.
  - 3) Provide windows, displays, murals, secondary entrances, or other architectural features on side or rear walls that are visible to pedestrians or vehicular traffic.
  - 4) Avoid unarticulated and monotonous building facades and window placements, regular spacings, and building placements that will be viewed from the street as continuous walls.
  - 5) Provide human-scale features, especially for pedestrians and at lower levels and from a pedestrian viewing distance.
  - 6) Contribute to a sense of continuity and coherence for all who visit, shop or work in the district. Architectural diversity is encouraged as long as individual design solutions are compatible with the objectives of providing business districts that are pedestrian-oriented, mixed-use areas, each with a strong visual definition.
- f) Exterior materials. Appropriate exterior materials include painted clapboard, wood shingles or brick. Neutral or earth-tone colors are appropriate, but brighter colors may be applied to building trim with approval of the Planning Board. Variation in materials, appropriate colors and textures are encouraged when they are visually distinctive and aesthetically appropriate. Rough, imitation or reflective materials such as unpainted wood, field stone, smooth-face concrete, exposed metal, imitation materials, mirror glass, porcelain enamel or polished stone shall not be used unless approved by the Planning Board.
- g) Rooflines and roof features. A flat or nearly flat roof is prohibited on any building facing the street in any business district, except as provided below
  - 1) Structures in the C-1 District shall have a simple gable roof with a minimum slope of 8 over 12. A structure that fronts on and faces a side street should have a simple gable roof with a pitch of at least 8 over 12, or a gambrel or a hip roof. The roof trim should have depth and projection of details
  - 2) The Planning Board may authorize a flat-roof design on a structure in the C-1 District, provided that a flat roof structure shall be capped by an articulated parapet design that acts as a structural expression of the building façade and its materials.
  - 3) For other structures, roofs shall, at a minimum, have articulated parapets concealing flat roofs and rooftop equipment, such as HVAC units which would be visible from adjoining public streets or properties.